

These species elections are made with the understanding that they are required for examination purposes only and that upon allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of the allowed generic claim.

Remarks

In response to the Restriction Requirement, Applicant has elected Group I and a species of a viral antigen that is a Hepatitis B viral antigen. This election embraces at least claims 1-21, 23, 28-33, 44, 46-56, 58, 64-66, 71-74, 77-81, 84, 85, 89, 90, 95, 96 and 98.

This election is made with traverse on the basis that a search and examination of the subject matter of claim 1 (i.e., immunostimulatory nucleic acid comprising a nucleotide sequence of SEQ ID NO:1), which is common to Groups I-III, would not place a serious burden on the Examiner.

Having made this election, Applicant expressly reserves the right to file one or more divisional applications on the subject matter of the unelected claims (e.g., should claim 1 not be found allowable).

Summary

If the Examiner has any questions and believes that a telephone conference with Applicant's representative would prove helpful in expediting the prosecution of this application, the Examiner is urged to call the undersigned at (617) 646-8266.

Respectfully submitted,



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